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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,928	01/26/2004	Edward Adolph Leili		1927

7590 03/04/2005

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EXAMINER

PRICE, RICHARD THOMAS JR

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,928

Applicant(s)

LEILI ET AL.

Examiner

Thomas Price

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 2 and 3, the phrase "removably attached to any piling or other vertical column" is misdescriptive in that the Applicant is positively claiming the apparatus attached to piling, which would constitute a leg. This is the direct opposite of what the Applicant is claiming in line 1, "leg-less". Minor correction could include "removably attachable to a piling or vertical column". In claim 1, line 7, "twp" is misspelled. In claim 1, lines 9 and 10, "the pole mounting hinge supports" lacks prior antecedent basis in the claims; lines 11 and 12, "the station" lacks prior antecedent basis in the claim. In paragraph (g), after "assembly" the period should be changed to a comma, further, "the use of stainless.....assembly" is unclear to what the Applicant is claiming.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muhich U.S. Patent 6,386,321.

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Muhich teaches a self leveling tree stand which is structurally similar to the claimed portable leg-less apparatus for cleaning fish. More specifically, the apparatus includes a frame 20 having two vertical support arms and two side support boards 22 and two rear support 28. A chain 82 attaches the pole mounting hinge supports 14a and 14 b. The chain is of sufficient strength and size to allow the station to be tied to vertical supports varying diameters. A plurality of steel hinges (unnumbered) attach to the pole mounting hinges support to allow the station to rotate up for cleaning or storage. A mounting cleat 54 is aligned and attached to either side of the pole mounting hinge support arms to allow the chain to be fastened securely. A handle 26 extends between the pole mounting hinge support arms at the bottom. A support plate (unnumbered) is connected to each pole mounting hinge support and selectively holds said support arms in place for mounting. A cutout is formed between members 28. Regarding claim 1, Muhich does not discuss the use of a rope, but teaches a chain member instead. A rope and chain are considered to be structurally equivalent such that using a rope instead of a chain is believed to be an obvious matter of choice in mechanical design to one of ordinary skill in the art at the time the invention was made. Further, Muhich does not discuss the use of stainless steel products, however, the use of stainless steel are considered to be obvious to a person of ordinary skill in the art at the time the invention was made in order to resist rusting while using the apparatus in an outside environment. Muhich does not teach a circular cross sectional handle. However, the Applicant does not discuss the criticality of such a feature in the specification, and as such, the flat handle of Muhich is believed to be structurally equivalent to the claimed handle, further,

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the use of PVC over the handle is believed to be obvious to one of ordinary skill in the art at the time the invention was made to make the handle more comfortable to hold. Lastly, the cutout of Muhich is rectangular to able to hold the correct sized bucket, further, the Applicant does not discuss the criticality of the a semi-circle shaped as opposed to other shapes, and as such, the cutout of Muhich is believed to be structurally similar to the claimed cutout of the Applicant.

Prior Art of Record

The prior art of record demonstrates additional tree stands having similar features as the claimed portable leg-less apparatus for cleaning. Additional references teach conventional cutting boards of similar nature.

Conclusion

Summary: Claim 1 is rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 703-308-2694. The examiner can normally be reached on Monday through Friday from 8:30a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas Price
Primary Examiner GAU: 3643

rtp